

REMARKS

Prior to this Response and Amendment the claims pending in the application were Claims 1(amended five times), 3(amended), 7(amended), 9(amended), 10(amended), 11, 12(amended four times), 13, 14(amended), 15(amended), 16(amended), 17, 18(amended), 19(amended) and 20(amended three times).

After amendment, the claims remaining in the application are Claims 1(amended five times), 3(amended), 7(amended second time), 9(amended), 10(amended), 11(amended), 12(amended four times), 13, 14(amended), 15(amended), 16(amended), 17, 18(amended), 19(amended) and 20(amended three times).

Claims 1, 3, 7, 9 – 11 and 16 – 19 stand rejected under 35 U.S.C., 112, first paragraph, as based on a disclosure which is not enabling because the examiner opines to be enabled the impact modifier must comprise of a multi-stage subsequently produced polymer containing an elastomeric stage. In response, the Applicant has inserted such a limitation into Independent Claims 1 and 7. Thus, this reason for rejection should be withdrawn.

Claims 7 and 11 stand rejected under 35 U.S.C., 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, the Applicant has amended claim 7 and 11.

Claims 1, 3, 7, 9 – 11 and 16 – 19 stand rejected under 35 U.S.C., 103(a) as being unpatentable over USP 5,242,968 (Mingos), USP 5,304,592 (Gharary) and USP 5,130,374 (Cozens).

However, the Applicants note that Claims 12 to 15 and 20 are deemed allowable.


In view of this statement of allowability, the Applicant has amended the other claims as

needed in response to the 35 U.S.C. 112 rejections and 35 U.S.C. 103(a) rejection and thus now all the claims should be commensurate in scope with the data set forth in Tables I and II on pages 4 and 26 of the present application.

In view of the above, the Applicant believes that the claims herein should now be allowable to the Applicant.

Accordingly, reconsideration and allowance are requested.

Respectfully submitted,



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